IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 385 OF 2004

1. Rabindranath Martins de Barros,

2. a. Shri Kemal Martins de Barros,
   b. Smt. BVerta Carvalho de Barros,

3. Shri Navin de Barros,

4. a. Shri Mylvyl de Barros,
   b. Smnt. Hiroshini Nita De Barros, through their power of attorney, Shri Jose Neves, Azavedo, major, c/o Farmacia F. Menezes, near G.P.O., Panaji, Goa. ... Petitioners.

Versus

1. Town and Country Planning Department, through its Member Secretary, Panaji, Goa,

2. Town and Country Planning Board, through its Member Secretary and Chief Town Planner, Dempo Towers, Panaji, Goa,

3. State of Goa, through Chief Secretary, Panaji, Goa. ... Respondents.

Mr. S. S. Kantak, advocate for the petitioners.

Mr. M. S. Joshi, Government Advocate for respondent nos. 1 to 3.

CORAM : A. P. LAVANDE, J.

DATE : 4th May, 2005.

ORAL JUDGMENT

Rule. Mr Joshi, learned Government Advocate waives notice on behalf of the respondents. By consent heard forthwith.

2. By this petition, the petitioners challenge the Order dated 25th May, 2004 passed by the respondent no.2, dismissing the appeal filed by the petitioners under Section 45(1) of the Goa Town and Country Planning Act, 1974, (hereinafter referred to as "the Act").

3. Mr. Kantak, learned counsel appearing for the petitioners submitted that the appeal has been disposed of by a one line order without giving any reasons and on that ground the impugned Order deserves to be set aside. It is by now well-settled that any order passed by a Court or a quasi-judicial authority must give reasons. Mr. Joshi, learned Government Advocate, appearing for the respondents, has fairly not disputed this position.

4. Accordingly, the impugned Order dated 25th May, 2004, passed by the respondent no.2 is quashed and set aside. The respondent no.2 is directed to dispose of the appeal filed by the

petitioners within a period of ten weeks from today. Rule made absolute in the aforesaid terms. No order as to costs.

A. P. LAVANDE, J.

mc.